



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

April 15, 2008

Board of Supervisors
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Second District

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Fifth District

To: Supervisor Yvonne B. Burke, Chair
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

Raymond G. Fortner, Jr.
County Counsel

RESPONSE TO BOARD MOTION ON STATE LEGISLATION REGULATING PEDDLERS

On April 1, 2008, the Board adopted Supervisor Molina's two-part motion related to the licensing and enforcement of "Peddlers" and "Hawkers." The first part of the motion involved introduction of amendments to Titles 7 and 11 of the Los Angeles County Code, to refine and add definitions relating to peddling activities, to revise provisions affecting the time periods that peddling vehicles may stay in one location, to allow prosecution of peddling violations as misdemeanors where warranted, and to make other non-substantive changes to harmonize the County's peddling regulations.

The second part of the motion directed the Chief Executive Office and County Counsel to work with Assembly Member Charles Calderon's office to develop State legislative language that would strengthen the County's authority to regulate peddling and to report back in two weeks. The motion also instructed the Executive Officer of the Board to send a five-signature support letter to the Los Angeles County delegation and the Governor after County Counsel has coordinated the proposed legislation with the Assembly Member's office. This memorandum responds to the directive to develop legislative language and work with the author's office.

Regulation of Vehicle Vending

There are provisions of State law that may be perceived as conflicting, which could undermine the County's efforts to regulate different aspects of vending. The California Vehicle Code (CVC) authorizes local authorities, by ordinance or resolution, to ensure

the public's safety by regulating any type of vending from vehicles upon any street. The California Retail Food Code (CRFC), which is a part of the California Health and Safety Code (H&SC), provides for the regulation by the State Department of Public Health of health and sanitation standards for retail food facilities including mobile food facilities. Each statute regulates different areas of law and different things. The CVC regulates transportation/safety on public streets. The H&SC regulates the preparation and handling of food. Moreover, CRFC regulates retail food facilities by establishing sanitation standards to assure that food will be pure, safe and unadulterated. However, the two different state laws may create confusion as to the scope and extent of local authority to regulate the time periods that mobile vendors can operate at a single location.

AB 2588 (Calderon), as amended on March 25, 2008, reflects language developed jointly by the author's office and County Counsel. The bill would reaffirm the Legislature's intent that local governments may adopt requirements for the public safety regulating any type of vending from vehicles upon any street, thus reconciling any arguable conflict between the H&SC and the CVC. This bill would additionally clarify that local governments are authorized to impose reasonable time, place and manner restrictions on vending activities from those vehicles for the public safety.

Support for AB 2588 is consistent with the Board's action of April 15, 2008, since its passage would specifically clarify and strengthen the County's ability to reasonably regulate peddler's activities. Therefore, our Sacramento advocates will continue to work with the author to support AB 2588. In addition, consistent with your Board's instruction, five-signature letters have been prepared to assist with this advocacy effort. The bill is scheduled for a hearing on April 23, 2008 in the Assembly Local Government Committee. No support or opposition is currently on file.

WTF:GK
MAL:hg

c: Executive Officer, Board of Supervisors